

FIFTY-NINTH DAY

(Monday, April 29, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 25, 1957, was approved.

Senate Bill 466 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Bracewell	Owen
Hazlewood	Secrest

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 466, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution, comprising territory within the city of Jefferson, Marion County, Texas, to be known as the 'Jefferson Water and Sewer District,' for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial, and mining uses and processing and transporting the same and for the purpose of providing or acquiring storm sewers and a sanitary sewer system; providing for a board of directors to govern said district; providing for the annexation of additional territory thereto; authorizing the district to do all things to make available for the above-named uses underground water or water from surface sources and water it may obtain by purchase, lease, and operation of contracts with persons, firms, corporations, and public agencies or the United States Government or any of its agencies; empowering the district to acquire land and construct, lease, or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing, or transporting water for the above-named purposes; authorizing the district to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of bonds and making provision for the payment and security thereof; making applicable to the district Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the district to be a municipal corporation within the meaning of Article 3268 of Title 52; providing that the district shall bear the expense of relocation, raising, or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the district; enacting other provisions relating to the subject; providing that nothing in this Act shall be interpreted to repeal or amend Article 7471, Revised Civil Statutes of Texas; pro-

viding for severability; and declaring an emergency."

To the Committee on Water and Conservation.

**Senate Concurrent Resolution 73
on First Reading**

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a resolution the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Hazlewood	Smith
Owen	

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 73, Granting Perrin Cotter permission to sue the State of Texas.

Whereas, Article 3, Section 51c, of the Constitution of the State of Texas authorizes the Legislature, under such regulations and limitations as the Legislature may deem expedient, to grant aid and compensation to any person who has heretofore served a sentence in prison under the laws of this State for an offense for which he is not guilty; and

Whereas, There is no machinery set up by the laws of the State of Texas to accurately and definitely determine the entitlement to and the amount of such aid and compensation and it is neither feasible nor practicable for the Legislature itself to determine such amount as a matter of general law or in individual cases; and

Whereas, According to Proclama-

tion No. 6624 by the Governor of the State of Texas on the 12th day of July, 1930, Perrin Cotter was convicted in the District Court of Morris County, Texas, in November, 1929, of assault with intent to murder, and sentenced to two years' confinement in the State Penitentiary, and was granted a General Parole on the 12th day of July, 1930, on application, the Pardon Board having recommended a general parole, the trial officers having advised that they would not protest the same and stating that they had their doubts as to the guilt of Perrin Cotter, eleven members of the jury which tried said Perrin Cotter having requested a full pardon for him and various citizens and officers of Camp County and Morris County having recommended a pardon in the case; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that Perrin Cotter, now residing in Cass County, Texas, be, and is hereby, granted permission to bring suit against the State of Texas in any Court of competent jurisdiction in Morris County, Texas, the County in which he was convicted as aforesaid, to determine definitely and accurately his entitlement to and the amount of aid and compensation, if any, which should be granted him by reason of his conviction in the District Court of Morris County, Texas, in November, 1929, of assault with intent to murder, and his having served a portion of the sentence assessed against him in the State Penitentiary; and citation for the purpose herein granted may be served upon the State of Texas by serving the Attorney General; and, be it further

Resolved, That the sole purpose of this Resolution is to grant to the aforesaid Perrin Cotter permission to bring suit against the State of Texas and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which he seeks to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 467 on First Reading

Senator Kazen moved that Senate Rule 114 and Section 5 of Article III

of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Hazlewood Smith

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kazen:

S. B. No. 467, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds; providing method of paying and securing such bonds; enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds; making this Act cumulative of other laws, providing that it shall take precedence over other laws, general or special, in conflict or inconsistent herewith; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 468 on First Reading

Senator Roberts moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bradshaw
Ashley	Colson
Bracewell	Fly

Fuller	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Lock	Weinert
Martin	Willis
Moffett	Wood

Absent

Smith

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Roberts:

S. B. No. 468, A bill to be entitled "An Act ratifying, confirming and validating the creation, establishment and boundaries of Fannin County Water Control and Improvement District No. 2, and the organization, confirmation election and election of directors for the District and all proceedings relating thereto; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 469 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Martin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 469, A bill to be entitled "An Act amending Section 1 of House Bill No. 150, Chapter 150 of the Acts of the 45th Legislature, Regular Session, 1937, as amended, codified as Article 2613a-3, Vernon's Civil Statutes, relating to the leasing by the Board of Directors of the Agricultural and Mechanical College of Texas for oil, gas, sulphur, mineral ore and other mineral developments to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control or any part thereof now owned by the State of Texas and acquired for the use of the Agricultural and Mechanical College of Texas and its divisions or that may be acquired hereafter for the use of the Agricultural and Mechanical College of Texas and its divisions, so as to eliminate provisions of Section 1 as they concern the disposition of certain amounts of bonus and rental payments received prior and subsequent to August 31, 1937, because such provisions are now moot; to provide for the disposition of all moneys received under and by virtue of this Act by establishing the Texas Agricultural and Mechanical College System Special Mineral Investment Fund and the Texas Agricultural and Mechanical College System Special Mineral Income Fund and providing the manner in which the funds are to be administered by the said Board of Directors; and declaring an emergency."

To the Committee on Finance.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has appointed the following Conference Committee on S. B. No. 308: Walling, Parish, Kothmann, Cloud and Kelly.

The House has appointed the following Conference Committee on S. B.

No. 237: Martin, Murray, Mann, Cotten, and Blaine.

The House has concurred in Senate amendments to House Bill No. 495 by vote of 114 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 287 by vote of 113 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 468 by vote of 117 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 659 by vote of 111 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 523 by vote of 115 ayes, 1 noes.

H. C. R. No. 98, Commending the Benevolent and Protective Order of Elks and their National, State, and local lodges.

S. C. R. No. 47, The Board of Directors of the Agricultural and Mechanical College of Texas be permitted to accept Building 311, a part of Fort Crockett Installation, Galveston, from the United States Department of Health, Education and Welfare.

S. B. No. 106, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, in consideration of certain benefits accruing and to accrue to the State, to convey to the United States of America certain land in Hidalgo County, Texas for the construction thereon of a federal horticultural and soils laboratory building at no expense to the State of Texas; providing for reservation of all minerals to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas, and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act amending Article 768, Code of Criminal Procedure, 1925, relating to credit for time spent in jail between arrest and sentence or pending appeal, so as to make its provisions applicable to misdemeanor cases; and declaring an emergency."

S. B. No. 285, A bill to be entitled "An Act relating to ex officio road commissioners; amending Article

6762, which is House Bill 250, Chapter CXIV, General and Special Laws, 27th Legislature, 1901, p 277, so as to cover ex officio commissioners in counties of 35,000 inhabitants or more."

S. B. No. 316, A bill to be entitled "An Act authorizing the State Building Commission to lease existing buildings situated on property acquired prior to the effective date of this Act by the State Building Commission; making other provisions relating thereto and declaring an emergency."

S. B. No. 398, A bill to be entitled "An Act providing that all property transferred by the State of Texas to the City of Corpus Christi by the provisions of Chapter 253, Acts of the 49th Legislature, Regular Session, 1945, may be leased by the governing body of the City of Corpus Christi for such time and under such terms and conditions and for such purposes as determined by the governing body of the City of Corpus Christi to be to the best interest of the City and declaring an emergency."

(With amendment.)

H. B. No. 45, A bill to be entitled "An Act to authorize the recovery of civil damages due to the malicious or wilful damage to or destruction of property by minors; and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act to amend Section 24 of Chapter 514 of the General and Special Laws of the Fifty-fourth Legislature, Regular Session, 1955, to provide for adequate housing of the Archives Division of the Texas Library and Historical Commission, directing the State Building Commission, to provide quarters in the State Office Building to the extent required for proper protection and display of the materials and books held by such Division, and to furnish necessary equipment for such purpose; making an appropriation; repealing conflicting laws; and declaring an emergency."

H. B. No. 169, A bill to be entitled "An Act establishing and providing for a State mental hospital; regulating and providing for the operation

of same; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 470 on First Reading

Senator Smith moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The following bill was then introduced, read first time and referred to the committee indicated.

By Senator Smith:

S. B. No. 470, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to rent, lease or convey not to exceed four acres, a part of the campus and a building thereon of said College to the City of Lubbock for the purpose of maintaining a history and art museum; authorizing said Board to dedicate streets leading to said parcel of land for public use; and making other provisions relating thereto; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 432

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the A Cappella Choir of Concordia Teach-

ers College of Seward, Nebraska, accompanied by Mr. and Mrs. H. A. Meyer, Mr. Harry Gieselmann and Mr. Theo. Moeller, and

Whereas, We desire to welcome these distinguished guests to the Capitol and the Senate Chamber; Now, therefore, be it

Resolved by the Senate, That their presence be recognized and they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the members of the choir and sponsors to the Members of the Senate.

Senate Resolution 433

Senator Hardeman offered the following resolution:

Whereas, In the Big Bend Country is situated Brewster County, the largest county in Texas—approximately six times as large as the state of Rhode Island—in whose rugged terrain nestles the City of Alpine, its county seat, founded in 1882, formerly called Osborne, in a verdant valley amid the mauve and purple peaks of the foothills of the Davis Mountains, which will observe its diamond anniversary in August, 1957; and

Whereas, This fine city and its tree-lined streets and modern homes is the site of Sul Ross College with its stately buildings and attractive, terraced, hillside campus, retains its distinctly western atmosphere as it welcomes visitors to the Big Bend National Park as one of its northern gateways along with its sister-cities of Marathon and Marfa; and

Whereas, It is the desire of the Senate of Texas to congratulate the City of Alpine, the County of Brewster and their citizens and to recognize the accomplishments of its seventy-five (75) years of existence, reared on the foundations laid by the rugged pioneers, who pushed the frontier toward the setting sun, for whose sacrifices "men's homage and their love shall never cease to follow them," and nurtured and preserved by their sons and daughters to make it "the perfect jewel in a lordly setting," and in whose pride we share; Now, therefore, be it

Resolved by the Senate of Texas,

That the City of Alpine, the County of Brewster and their citizens be, and they are hereby, congratulated, and their achievements, during their seventy-five (75) years of existence, are recognized for their many contributions to the welfare and economy of our State; and, be it further

Resolved, That copies of this Resolution be forwarded, under the seal of the Senate, to the Mayor of the City of Alpine, the County Judge of Brewster County, the Chamber of Commerce of the City of Alpine and the President of Sul Ross College.

The resolution was read and was adopted.

Senate Bill 441 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 441, A bill to be entitled "An Act amending Section 1, Acts 1953, 53rd Legislature, Page 464, Chapter 150 (appearing as Article 2786d, Vernon's Annotated Civil Statutes), so as to authorize school districts to place the proceeds from sale of school district bonds on interest bearing secured time deposits with a state or national banking corporation within this State, as well as to invest such proceeds in bonds or other obligations of the United States of America, until needed for purposes for which school district bonds were originally authorized; repealing conflicting laws; providing partial invalidity shall not affect remainder of the Act; and declaring an emergency."

The bill was read second time.

Senator Lock offered the following amendment to the bill:

Amend Senate Bill 441, Section 1 thereof, by inserting after the phrase "or other obligations of the United States of America shall be of a type which cannot be" the words "cashed, sold or."

The amendment was adopted.

On motion of Senator Lock and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 441 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 441 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Moffett

Senate Bill 126 with Senate Amendments

Senator Hardeman called S. B. No.

126 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed by the following vote

Yeas—23

Aikin	Lane
Ashley	Martin
Bracewell	Moffett
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Smith
Hazlewood	Weinert
Herring	Willis
Kazen	Wood
Krueger	

Nays—7

Bradshaw	Roberts
Hudson	Rogers
Moore	Secrest
Owen	

Absent

Lock

Accordingly the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Hardeman, Kazen, Fly, Parkhouse and Ashley.

Senate Resolution 436

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Alamo Heights High School Government Class, accompanied by their teacher and sponsor, Miss Johnnie McCaugham; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings

of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and Miss McCaughan to the Members of the Senate.

Senate Bill 196 on Second Reading

Senator Smith asked unanimous consent to suspend the regular order of business and take up S. B. No. 196 for consideration at this time.

There was objection.

Senator Smith then moved to suspend the regular order of business and take up S. B. No. 196 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Moffett	

Nays—3

Aikin	Fly
Ashley	

Absent

Martin

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 196, A bill to be entitled "An Act to provide for the conservation and prevention of waste of underground water reservoirs from pollution; defining certain terms; pro-

viding for the administration of this Act; amending Article 7605 of the 1925 Revised Civil Statutes of Texas; providing for registration of water well drillers; authorizing promulgation rules; providing for an examining panel, prescribing its duties, etc., and declaring an emergency."

The bill was read second time.

Senator Smith offered the following committee amendment to the bill:

Amend S. B. 196 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Definitions. Unless the context of this Act indicates a different meaning, the words hereinafter defined, when used in this Act shall have the following meaning:

(a) "Water Well Log" is a record of the depth, thickness, character, and color of the strata penetrated or encountered in the drilling, deepening, or electrical logging, if any taken, of a water well, drilled 100 feet or more in depth from the surface of the earth.

(b) "Well" or "Water Well" is any artificial excavation constructed for the purpose of exploring for or producing ground water; but shall not include any hand dug or drive point water well or test or blast holes in quarries or mines, or any well or excavation for the purpose of core drilling and drilling for, exploring, or producing oil, gas, or any other mineral except water unless such oil or gas well is used for the production of water.

(c) "Water Well Driller" is any natural person who engages in the drilling, boring, coring, or constructing of any water well as defined in this Act.

(d) "Registered Water Well Driller" is any water well driller who is the holder of a valid Certificate of Registration from the State Board of Water Engineers.

Section 2. Administration. This Act shall be administered by the State Board of Water Engineers, or its successors, and sometimes hereinafter referred to as "Board." In the performance of its duties under this Act, the Board is hereby authorized, empowered, and directed to formulate, adopt, promulgate, and enforce rules and regulations, not inconsistent with the Constitution and laws of this State for the following purposes:

(a) the keeping and preservation of water well logs and their filing and forwarding as hereinafter directed;

(b) the prevention of pollution of underground water by water well drillers arising out of the drilling, boring, coring or constructing of any water well as defined in this Act; and

(c) the registration of water well drillers and the revocation of such registration.

Section 3. Water Well Log.

Every water well driller, as defined herein, drilling, deepening or taking electric logs of a water well within this State, shall make and keep or cause to be kept a legible and accurate water well log thereof, and shall within sixty (60) days from the completion or cessation of drilling, deepening, electric logging, if any, of such well deliver or transmit by certified mail a signed true copy of such log, and such electric log, if any, to the Board, upon forms furnished or approved by the Board.

Section 4. Registration. No person, firm, or corporation, except a Registered water well driller, shall hereafter drill, bore, core, or deepen any water well for hire, in this State.

Section 5. Applications and Registration. All applications for a certificate of registration as a water well driller shall be filed with the Board upon forms furnished by the Board, accompanied by a filing fee of Twenty-five Dollars (\$25.00).

Applicants for a certificate of registration shall:

(a) Be a natural person at least twenty-one (21) years of age;

(b) Have worked at the water well drilling trade for at least two (2) years before making application;

(c) Have been a bona fide resident of this State for the last year preceding the filing of such application;

(d) Have not been convicted of a felony in this, or any other State, within the last five years;

(e) Demonstrate to the Board by oral or written examination or both as the Board deems necessary, his fitness to properly, intelligently, and lawfully carry on the business of drilling and casing and completing water wells.

Section 6. Examining Panel. In connection herewith, the Board is empowered to appoint from time to time from among the registered water well drillers of this State three (3) ex-

aminers to assist it in the preparation and administration of the examination required by Section 5(e) hereof. Such examiners shall serve during the pleasure of the Board, and each such examiner shall be allowed for each day or part thereof spent by him in actually administering said examinations, including the day spent in traveling to and from administering the same, the sum of Twenty Dollars (\$20.00), and said examiners shall be allowed, in addition, their actual and necessary traveling expenses while traveling to and from the administration of said examinations, provided, that no such examiner shall receive hereunder more than Five Hundred Dollars (\$500.00) annually, exclusive of expenses.

Section 7. Certain Certificates to be Issued. Any person who, on the effective date of this Act, possesses the qualifications set forth in Sections 5(a) through 5(d) shall, upon making sworn application to such effect supported by affidavit of two (2) other adult residents of this State and payment of the fee required by Section 5 hereof, at any time before December 31, 1957, be entitled to be issued a Certificate of Registration without the necessity of taking the examination provided for by Section 5(e) of this Act.

Section 8. Receipts and Disbursements. The Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same into the State Treasury. The State Treasurer shall keep such moneys in a fund separate and apart from all other funds in the State Treasury, which funds shall be used for no other purposes than for the administration of this Act. Said fund shall be known as the "Water Well Drillers' Fund," and said fund is hereby created. Disbursements of said fund shall be made only by warrant drawn by the State Comptroller of Public Accounts who is hereby authorized to issue warrants upon the State Treasurer against said funds, on itemized vouchers, approved by the Board or some person properly designated by the Board to approve the same. All moneys in said fund are hereby specifically appropriated to the Board for the purpose of administering this Act. All per diem and expenses of examiners, as provided in Section 6 hereof, shall be paid from said fund. The Board shall employ

such clerical or other assistants as may be necessary for the proper performance of its duties and may make expenditures of this fund for any purposes which, in the opinion of the Board, are reasonably necessary for the proper performance of its duties under this Act.

Section 9. Issuance, Expiration, and Renewal of Certificate. If the Board is satisfied that an applicant is qualified under this Act, it shall issue to the applicant a Water Well Drillers' Certificate of Registration. Each such certificate shall expire on the 31st day of the month of August next following its issuance. No such certificate shall be transferable. The Board shall notify every person registered under this Act at least one (1) month in advance of the expiration of his certificate, but the failure to mail or receive said notice shall not prevent the expiration of such certificate. A certificate may be renewed at any time within thirty (30) days of the expiration thereof by the payment of the registration fee provided in this Act. Otherwise a new registration under Section 5 hereof shall be required.

Section 10. Revocation. The Board shall have the power to revoke the Certificate of Registration of any Registered Water Well Driller who:

(a) Practices fraud or deceit in obtaining such Certificate of Registration.

(b) Willfully violates any of the provisions of this Act or any order, rule, or regulation of the Board authorized in Section 2 hereof.

(c) Is convicted of a felony.

No certificate shall be revoked until the registrant has been furnished with a statement in writing of the charges made against him. Notice may be given the registrant in person or by depositing the same in the United States mails, properly stamped and addressed to the registrant, as such address may be known by the Board or as shown by the Board's records, registered or certified with a return receipt requested. The registrant may, within ten (10) days of receiving such notice, file a written request with the Board for a public hearing on such charges. In such cases, the Board shall promptly fix the date for such public hearing at its offices, but the date for such hearing shall be at least twenty (20) days after the date of fixing the same; and the notice of the date of such hearing

as set by the Board shall be delivered in person or forthwith mailed to the registrant.

Section 11. Appeal. Any person whose Certificate of Registration is revoked by the Board shall have the right to file suit in a District Court of the County of Travis, State of Texas, to set aside the order of the Board revoking the Certificate of Registration. Said suit shall be filed against the Board as Defendant, and service of process may be had upon its chairman, or any member thereof. The suit shall be tried de novo as such term is commonly used and intended in an appeal from Justice Court to the County Court, and the substantial evidence rule shall have no application thereto.

Section 12. Re-issuance. A new Certificate of Registration, to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations prescribed by the Board, and a charge of One Dollar (\$1.00) shall be made for such new certificate.

Section 13. Violations—Penalties. Any person presenting or attempting to use as his own the Certificate of Registration of another, or any person who shall give any false evidence of any kind to the Board or any member thereof in obtaining a Certificate of Registration, and any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred (\$200.00) or be confined in jail for a period not exceeding 120 days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense. The Board is charged with the duty of aiding in the enforcement of the provisions of this Act, and any member or employee of the Board may present to the prosecuting officer complaints relating to violations of any of the provisions of the Act. The Attorney General of Texas shall act as legal advisor to the Board in the administration of this Act and shall render such legal assistance as may be necessary in enforcing and making effective the provisions of this Act; provided that this shall not relieve County and District attorneys of any of their duties under this Act; and further provided that the Board may, if it deems necessary,

employ private counsel, who shall be paid from the Water Well Drillers' Fund.

Section 14. Reciprocity. The Board may register without examination, upon payment of the required fee, applicants who are duly licensed under the laws of any other State that has reciprocal laws with this State, that has been licensing citizens of this State, and that has requirements deemed by the Board to be at least equivalent to those of this State.

Section 15. Construction. Nothing in this Act shall be construed as affecting the ownership, or the rights of the owner of the land, in underground water.

Section 16. Severability. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 17. Emergency. The fact that the laws of this State do not adequately provide for the conservation and prevention of waste of underground water resources and the fact that public interest requires that underground water reservoirs of the State be protected from waste and pollution create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend Committee Amendment No. 1 to Senate Bill No. 196 by deleting the words and figures in line 14, page 7, "Twenty-five Dollars (\$25.00)" and inserting in lieu thereof the following: "Fifteen Dollars (\$15.00)."

The amendment was adopted.

Senator Smith offered the following amendment to the bill:

Amend Committee Amendment No. 1 to Senate Bill No. 196 by deleting the words in lines 17 and 18 on page 8 "the registration fee provided in this Act" and inserting in lieu thereof the words and figures, "a renewal fee of Fifteen Dollars (\$15.00)."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. 196 by adding a new section to be known as Section 4A to read as follows:

"None of the provisions of this Act shall apply to any person who drills water wells for private individuals only."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 196 by striking out of Sec. 13 beginning with the words "and further" on line 13 and ending with the words "Water Well Drillers' Fund."

The amendment was adopted.

On motion of Senator Smith and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

Senate Bill 196 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 196 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Ashley	Moffett
Bracewell	Moore
Colson	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hazlewood	Reagan
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Nays—6

Aikin	Hardeman
Bradshaw	Ratliff
Fly	Roberts

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Moffett asked to be recorded as voting "Nay" on the final passage of S. B. No. 196.

Senate Resolution 437

Senator Willis offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 8th Grade Class of Saint Alice Parochial School of Fort Worth, Texas, accompanied by their teachers, Sister Mary Frances and Sister Mary Dorothy; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the students and teachers to the Members of the Senate.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 42, A bill to be entitled "An Act changing the name of the Texas Prison System to the Texas Department of Corrections, the name of the Texas Prison Board to the Texas Board of Corrections, and the title of General Manager of the Tex-

as Prison System to Director of Corrections; and declaring an emergency."

S. B. No. 49, A bill to be entitled "An Act amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended, and Article 591, Revised Code of Criminal Procedure of Texas, 1925, as amended, so as to provide for the selection of jurors by the jury wheel system, and the selection of special venire by the jury wheel system in counties containing a city having a population of 18,000 or more inhabitants providing a repealing clause; providing a severability clause; and declaring an emergency."

S. B. No. 191, A bill to be entitled "An Act to amend Article 21.21 of Chapter Twenty-one of the Insurance Code (Acts 1909, p. 192, as amended by Acts 1929, 41st Legislature, 1st Called Session, p. 5, Chapter 3, Section 1) so as to provide authority for the regulation of unfair methods of competition and unfair deceptive acts and practices in the business of insurance; to provide penalties for violations of provisions hereof; and declaring an emergency."

S. B. No. 220, A bill to be entitled "An Act authorizing the County Board of School Trustees of each county to contract with the State Department of Public Welfare for coverage of certain persons under the provisions of the Old Age and Survivors Insurance Program of the Federal Social Security Act; defining the authority of the County Board of School Trustees to enter into such contracts; etc.; and declaring an emergency."

S. B. No. 268, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 162, Acts of the 49th Legislature, Regular Session, by the addition thereto a new Section 5a, to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; repealing all laws in conflict herewith; etc.; and declaring an emergency."

S. B. No. 347, A bill to be entitled "An Act amending Section 2 of Chap-

ter 3, House Bill No. 9, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by Chapter 57, Acts of the Fifty-third Legislature, Regular Session, 1953; providing for the leasing of lands belonging to the State of Texas for the production of oil, gas, coal, lignite, sulphur, salt and potash; providing that leasing of minerals other than oil and gas shall not be subject to the provisions of Article 5359, etc., and declaring an emergency.

S. B. No. 348, A bill to be entitled "An Act amending Chapter 497, Acts of the Fifty-fourth Legislature, Regular Session, 1955; providing for the prospecting of land belonging to the State for certain minerals; providing for the filing of an application with the Commissioner of the General Land Office; providing the rental payment to accompany such application; providing for the issuance of permits by the Commissioner of the General Land Office; etc.; and declaring an emergency."

S. B. No. 379, A bill to be entitled "An Act amending Subsection (g) and Subsection (n), of Section 1, Article XVII, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended, to redefine the term 'distributor' and the term 'first sale' of motor fuel; amending Section 5 of said article; amending Section 5 of said article by adding new provisions thereto authorizing distributors to make sales of motor fuel tax free to wholesale dealers and jobbers holding valid permits as distributors; etc.; and declaring an emergency."

S. B. No. 450, A bill to be entitled "An Act authorizing the creation of Public Hospital Districts by the Commissioners Courts; providing for a petition by the qualified taxpaying voters defining said districts and requesting the issuance of bonds and the levying of a tax for the payment thereof; providing for a deposit to be made for holding elections in connection therewith; providing for a hearing before the Commissioners Court prior to said election or elections; etc.; and declaring an emergency."

Reports of Standing Committees

Senator Fuller by unanimous consent submitted the following reports:

Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 332, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 333, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 541, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 90, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. C. R. No. 38, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Leave of Absence

Senator Hardeman was granted leave of absence for the remainder of the day on account of important business on motion of Senator Lane.

(President Pro Tempore in the Chair.)

Conference Committee Report on Senate Joint Resolution 4

Senator Ashley submitted the following conference committee report on S. J. R. No. 4:

Austin, Texas,
April 25, 1957.

Honorable Ben Ramsey, President of the Senate.

Honorable Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. J. R. No. 4, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

ASHLEY
KRUEGER
BRACEWELL
REAGAN
SECREST

On the part of the Senate.

BRYAN
BLAINE
FORSYTHE
SEELIGSON
STEWART

On the part of the House.

S. J. R. No. 4, Proposing an Amendment to Section 56 of Article XVI of the Constitution of the State of Texas, providing that the Legislature be authorized to appropriate money and establish the procedure necessary to expend such money for the purpose of developing information about the historical, natural, agricultural, industrial, educational, marketing, recreational and living

resources of Texas, and for the purpose of informing persons and corporations of other states through advertising in periodicals having national circulation and the dissemination of factual information about the advantages and economic resources offered by the State of Texas, providing that neither the name nor the picture of any living state official shall ever be used in any of said advertising, and providing that the Legislature may require that any sum of money appropriated hereunder shall be matched by an equal sum paid into the State Treasury from private sources before any of said money may be expended.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 56 of Article XVI of the Constitution of Texas be amended to read as follows:

"Section 56. The Legislature of the State of Texas shall have the power to appropriate money and establish the procedure necessary to expend such money for the purpose of developing information about the historical, natural, agricultural, industrial, educational, marketing, recreational and living resources of Texas, and for the purpose of informing persons and corporations of other states through advertising in periodicals having national circulation and the dissemination of factual information about the advantages and economic resources offered by the State of Texas; providing, however, that neither the name nor the picture of any living state official shall ever be used in any of said advertising, and providing that the Legislature may require that any sum of money appropriated hereunder shall be matched by an equal sum paid into the State Treasury from private sources before any of said money may be expended."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified voters of this State at an election to be held on the first Tuesday after the first Monday in November, 1958, at which election all ballots shall have printed thereon the following:

"FOR the Amendment to the Constitution authorizing the Legislature to make appropriations and establish procedure for advertising the historical, natural, agricultural, indus-

trial, educational, recreational and other resources of Texas."

"AGAINST the Amendment to the Constitution authorizing the Legislature to make appropriations and establish procedure for advertising the historical, natural, agricultural, industrial, educational, recreational and other resources of Texas."

Sec. 3. The Governor of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

The report was read and was adopted by the following vote:

Yeas—24

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lock	Wood

Nays—6

Bradshaw	Martin
Fly	Moffett
Lane	Weinert

Absent—Excused

Hardeman

Senate Bill 177 on Second Reading

Senator Aikin asked unanimous consent to suspend the regular order of business and take up S. B. No. 177 for consideration at this time.

There was objection.

Senator Aikin then moved to suspend the regular order of business and take up S. B. No. 177 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Fly
Ashley	Fuller
Bradshaw	Hazlewood
Colson	Herring

Kazen	Ratliff
Krueger	Reagan
Lane	Roberts
Lock	Rogers
Moffett	Secrest
Moore	Smith
Owen	Willis
Phillips	Wood

Nays—3

Bracewell	Weinert
Parkhouse	

Absent

Gonzalez	Martin
Hudson	

Absent—Excused

Hardeman

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 177, A bill to be entitled "An Act defining cost basis of merchandise offered for sale; prohibiting the advertising, offering for sale or the selling of merchandise below cost where the quantities thereof that could be bought by any willing purchaser are limited; providing remedies for violation thereof; establishing a penalty therefor; providing a saving clause; repealing Chapter 524, Acts of the 54th Legislature, 1955, and all other laws and parts of laws except antitrust laws in conflict herewith to the extent of the conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 177 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 177 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Herring
Ashley	Kazen
Bradshaw	Krueger
Colson	Lane
Fly	Lock
Fuller	Martin
Hazlewood	Moffett

Moore	Rogers
Owen	Secrest
Phillips	Smith
Ratliff	Willis
Reagan	Wood
Roberts	

Nays—3

Bracewell	Weinert
Parkhouse	

Absent

Gonzalez	Hudson
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Absent—Excused

Hardeman

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood

Nays—4

Bracewell	Parkhouse
Martin	Weinert

Absent

Gonzalez	Hudson
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Absent—Excused

Hardeman

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 29, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 812, A bill to be entitled "An Act amending Subsection (a) of

Section 1, Article XVII, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended to redefine the term "motor fuel"; repealing conflicting provisions of law, and preserving taxes, penalties, interest, liens, bonds and penal provisions existing prior to the amendment; containing a savings clause, and declaring an emergency."

H. B. No. 821, A bill to be entitled "An Act amending Section 3 of Article II of Acts of the 54th Legislature, R. S., Chapter 404, p. 1080, (1955), codified as Article 7065b-14a of Vernon's Annotated Civil Statutes; and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a new Article to be called Article 7436a; providing for declaratory judgment suits to be brought against the State to determine if the Anti-Trust Laws of the State are being violated or if they will be violated; providing for a fee as cost for filing such suit; and making all provisions necessary thereto; and declaring an emergency."

H. B. No. 877, A bill to be entitled "An Act to amend Subsection (c) of Section 1, Chapter 300, Acts of the 53rd Legislature, Regular Session, 1953, (codified as Article 1934a-15 of Vernon's Texas Civil Statutes), to raise the minimum and maximum salaries of the secretary or stenographer of the County Judge in counties having a population of 50,001 and not more than 100,000 inhabitants."

H. B. No. 913, A bill to be entitled "An Act amending Title 71, Chapter 1, Acts 1927, 40th Vernon's Annotated Civil Statutes, establishing the qualifications for the office of the Commissioner of Health of the State of Texas, repealing conflicting laws, and declaring an emergency."

H. B. No. 906, A bill to be entitled "An Act concerning the trial and commitment to a State Mental Hospital of insane persons where insanity is raised as a defense or as a bar in a prosecution for a criminal offense; providing for treatment in a mental hospital of mentally ill prisoners; clarifying the status of mentally ill persons not charged with a criminal offense; providing for cred-

iting of time in a mental hospital to the sentence of a prisoner; amending Article 34 of the Texas Penal Code; repealing certain statutes and laws; and declaring an emergency."

H. B. No. 917, A bill to be entitled "An Act amending Section 1, Chapter 123, Acts 51st Legislature, regular session, 1949 so as to make said act applicable to independent school districts with scholastic population of 60,000 or more, as determined by last preceding scholastic census; and declaring an emergency."

H. B. No. 920, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to the State Highway Commission of Texas a right-of-way easement to certain land in Cameron County, Texas, for the reconstruction and maintenance of a Farm to Market Road extending along and across certain State property known as Harlingen State Tuberculosis Hospital; and declaring an emergency."

H. B. No. 921, A bill to be entitled "An Act relating to Tarrant County Water Control and Improvement District No. 1; providing for the annexation of territory to the district and methods of assuming of outstanding tax supported indebtedness by such territory or by the district as thus enlarged; providing for detachment of territory from the district under certain conditions; making additional provision for the issuance of bonds and providing for the payment and security thereof; authorizing the district to make contracts for supplying water and contracts with cities for rental, leasing or operation of water supply and other water works of cities; making bonds of the district eligible for investment by certain funds and eligible to secure deposits of certain public funds; declaring the accomplishment of the purposes of this act is for the benefit of the people of this State and constitutes an essential public function under the Constitution; exempting district properties, its bonds and the transfer of and income from its bonds, including profits on the sale thereof, from taxation; providing for the selection of more than one depository; authorizing the district to purchase properties

of other water districts; validating the boundaries of the district; enacting other provisions relating to Tarrant County Water Control and Improvement District No. 1; and declaring an emergency."

H. B. No. 922, A bill to be entitled "An Act to amend Chapter 250, Acts of the 54th Legislature, Regular Session by changing the provisions relating to the Board of Directors of the York Creek Improvement District in the Counties of Guadalupe, Hays and Comal, providing for a Maintenance Tax election, providing this Act shall supercede Chapter 250 where conflict exists, and declaring an emergency."

H. B. No. 537, A bill to be entitled "An Act amending Articles 338, 339, 345, 349, 352, 354, and 623, Code of Criminal Procedure of the State of Texas, to provide for the separation of jurors under certain circumstances where the jury consists of a mixed group of male and female jurors; providing for the service of women on Grand Juries; containing a severability clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 566, A bill to be entitled "An Act prohibiting the employment of children of compulsory school age during school hours of the regular school year unless such children are exempt from compulsory school attendance; fixing the penalty for violation; designating an effective date; and declaring an emergency."

H. B. No. 639, A bill to be entitled "An Act to permit directors of Water Improvement Districts, Water Control and Improvement Districts, or other subdivisions of the State of Texas, organized and operating by virtue of Article XVI, Section 59 of the State Constitution, and laws enacted pursuant thereto, to have their lands annexed to and to form a part of the District of political subdivision aforesaid of the State of which they are directors, or director."

H. B. No. 653, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

H. B. No. 665, A bill to be entitled

"An Act amending Section 73 (a) of the Uniform Act Regulating Traffic on Highways, as amended (codified as Section 73 (a) of Article 6701d, Vernon's Civil Texas Statutes) to regulate entrance to any highway, and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act amending Article 7260, Revised Civil Statutes of Texas, by adding a new Section to provide that the Tax Collectors shall be entitled to deduct amounts of homestead exemptions claimed, and refund same to claimants, if paid in error and reported in prior months of the current tax year, from the amounts due on such later monthly reports of tax collections due the State; and providing that the State Comptroller shall honor such deductions so long as they are made prior to June 30 of the year when current taxpaying ends; and declaring an emergency."

H. B. No. 698, A bill to be entitled "An Act relating to protected assignments of accounts receivable; amending subdivision (1) of Section 1 of Chapter 293, Acts of the 49th Legislature, as amended (Article 260-1, Vernon's Texas Civil Statutes), so as to change the definition of 'account' or 'account receivable' by deleting provisions excluding sums accruing to a contractor who has furnished a surety bond."

H. B. No. 715, A bill to be entitled "An Act fixing the maximum salary for the court reporter of the 10th Judicial District of Galveston County and declaring an emergency."

H. B. No. 757, A bill to be entitled "An Act relating to professional sanitarians; providing for the establishment of a Department of Registration for Professional Sanitarians, and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; providing for registration of professional sanitarians and sanitarians in training, and for issuance, renewal, revocation, and reinstatement of certificates of registration, and fixing fees therefor; providing for expenditure of funds collected under provisions of the Act and fixing purposes for which such funds may be used; prohibiting use of the title or designation of 'sanitarian' in any

public or private employment in this State unless the person employed is registered hereunder and providing a penalty for violation; providing a severability; and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act defining the term 'trial de novo' as that term is used in the Civil and Criminal Statutes of Texas; providing for the applicability thereof to all appeals from actions, rulings, decisions or orders of all State departments, bureaus and agencies where the statute governing such appeals provides for a trial de novo; prohibiting the use of the substantial evidence rule in such appeals and determining the burden of proof in all such proceedings; providing certain exceptions from the provisions of this Act; containing a severability clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 427 by vote of 132 ayes, 0 noes.

H. B. No. 194, A bill to be entitled "An Act regulating the labeling and sale of hazardous substances for the protection of the public health in the State of Texas, repealing Article 726 of the Penal Code of Texas, and all other laws in conflict herewith; prescribing penalties and declaring an emergency."

H. B. No. 255, A bill to be entitled "An Act amending Article 4 of Chapter VII of the Texas Banking Code of 1943, Acts of the 48th Legislature, Regular Session, 1943, relating to collections, payment, refusal, and dishonor of items presented to a drawee bank; and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act amending Title 69, Chapter 1 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1937, by the 45th Legislature, by a new section thereto to be known as Article 4112b, to provide that the Judge of District Court may order the Clerk of said court to pay any fund of \$1000.00 or less on deposit in the Registry of said Court, belonging to any lunatic, idiot or person of unsound mind without a legal guardian, who is an inmate of any State Eleemosynary Institution to said institution for the use and benefit of

said inmate, and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act permitting the governing body of any city to regulate, by ordinance, the hours which minors under the age of eighteen (18) years may be on the public streets and thoroughfares of such city when not accompanied by his or her parent or guardian or an adult authorized by such parent or guardian, and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act concerning liability of persons who remove, seize or impound vehicles without the consent of the owner; and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to amend Article 4625 of the Revised Civil Statutes of the State of Texas of 1925 so as to remove the disabilities of minority of under-age males, as well as females, who are or have been lawfully married; and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act amending Sections 7, 12, 13, 17 and 20 of Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended, codified in Vernon's as Article 4542a, Vernon's Civil Statutes, relating to the regulation of the practice of pharmacy; prescribing the powers and duties of the State Board of Pharmacy; making other provisions relating to the practice of pharmacy; stating purpose of this Act; providing a repealing clause; providing a severability clause; and declaring an emergency."

H. B. No. 469, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the general laws of this state; validating the area and the boundary lines thereof; providing that this act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation or any of the acts or proceedings hereby validated, if such litigation is ultimately determined against the legality thereof; providing a severability clause; and declaring an emergency."

H. B. No. 483, A bill to be entitled "An Act to amend Section 390 of the

Texas Probate Code (Acts 1955, 54th Legislature, Chapter 55) relating to investments by guardians in insurance and annuity contracts and declaring an emergency."

H. B. No. 493, A bill to be entitled "An Act amending Sections 5 and 12 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended (codified in Vernon's as Sections 5 and 12 of Article 5221c) relating to inspection of steam boilers; changing the amount of inspection fees and fees for the issuance of Certificates of Operation; making other provisions relating thereto; providing a repealing clause; providing a severability clause and declaring an emergency."

S. C. R. No. 72, Authorizing corrections in S. B. No. 94.

H. B. No. 923, A bill to be entitled "An Act to create the Pond Creek Watershed Authority as a conservation and reclamation district in Bell, Milam and Falls Counties under the provisions of Article XVI, section 59 of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the function of the master district under certain circumstances and conditions; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the master and subordinate districts; providing for a governing body and prescribing their duties; adopting certain provisions of the general law; enacting other provisions required for the functioning of the master and subordinate districts; providing a severance clause; and declaring an emergency."

H. B. No. 925, A bill to be entitled "An Act authorizing and directing the execution and delivery by the Board of Directors of Texas Technological College, acting by the Chairman thereof, of a right-of-way easement of certain land in Lubbock County, Texas, to the State Highway Commission of the State of Texas, for the construction and maintenance of a State Highway across the campus of Texas Technological College; and declaring an emergency."

The House has adopted the Confer-

ence Committee Report on S. J. R. No. 4 by a vote of 108 ayes and 26 noes.

H. B. No. 930, A bill to be entitled "An Act providing for the creation of a County Probation Department in and for Wichita County, Texas; providing for the appointment of a Chief Probation Officer, and such assistant probation officers as are determined to be necessary, by the Wichita County Juvenile Board, and providing for the fixing of salaries for all personnel of the Wichita County Probation Department by the Wichita County Juvenile Board; providing for the term of appointments of the Chief Probation Officer and his assistants; providing for the certification of expenses incurred by all Wichita County probation officers, by the Juvenile Board; providing for the raising of funds for operation of the Wichita County Probation Department by Wichita County Commissioners Court in accordance with the needs as determined by the Wichita County Juvenile Board; providing for surety fidelity bond by probation officers and other personnel; providing for operation, supervision and control of homes, schools, farms, institutions and other facilities used in the training, education, detention, support or correction of juveniles; providing foster home care for juveniles; providing for acceptance of any grant or devise of land or gift or bequest or donation for juvenile program; providing for assessment of court costs in divorce cases for maintenance of child support office and the administration of such funds collected by the Wichita County Juvenile Board; providing for the assessment of court costs for adoption investigation service and the administration of such funds collected by the Wichita County Juvenile Board; providing for investigation of cases involving custody of children; providing for the preparation of records of cases handled by the Probation Department; repealing conflicting laws; and declaring an imperative public necessity for suspension of the constitutional rule requiring bills to be read on three several days in each House."

H. B. No. 927, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59 of Article XVI, Constitution of Texas, to be known as "East Brazoria County Navigation

District"; prescribing its rights, powers, privileges, duties, functions, and authority; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act to revise and arrange certain statutes of this State relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts into a consistent whole and under a single title, preserving the substantive law as it existed immediately prior to the passage of this Act; providing a severability clause; providing a savings clause; repealing certain statutes relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(President in the Chair.)

Senate Concurrent Resolution 74 on First Reading

Senator Bracewell moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Hardeman

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 74, Granting John E. Cannon et ux. permission to sue the State of Texas.

Whereas, John E. Cannon and wife, Nancy Ellen Cannon have alleged that during the year 1957, on or about the 30th day of March, on the Battleship "Texas," located on the premises adjacent to or within the confines of the San Jacinto Battlegrounds, which Battleship "Texas" is under the control of the State of Texas, as authorized under the Acts of 1947, 50th Legislature, page 241, chapter 139; and

Whereas, The parties contend that they suffered serious personal injuries alleged to be the result of negligence in the maintenance and upkeep of said Battleship. Alleged damage consists of serious personal injuries and compensation therefor; and

Whereas, John E. Cannon and wife, Nancy Ellen Cannon desire to institute suit against the State of Texas and the Battleship "Texas" Commission to recover compensation for such alleged injuries and damages suffered by them; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the consent of the Legislature of the State of Texas is hereby given to John E. Cannon and wife, Nancy Ellen Cannon, to institute such suit against the State of Texas and the Battleship "Texas" Commission in a court of competent jurisdiction, and in case this suit is filed and service of citation, or any other necessary process shall be had upon the Attorney General of the State of Texas and either of the parties to the suit shall have the right to appeal as in any other civil case; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid John E. Cannon and wife, Nancy Ellen Cannon, to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 471 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Hardeman

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 471, A bill to be entitled "An Act providing for the coordination of a traffic safety program, authorizing the establishment of a Traffic Safety Council for the promotion of greater safety on the public streets and highways, prescribing its powers and duties, authorizing the employment of certain personnel, the acceptance of donations and expenditure of funds, providing for the cooperation of the various Departments of the State Government, providing a saving clause, and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 472 on First Reading

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Hardeman

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. B. No. 472, A bill to be entitled "An Act creating two additional District Courts in and for Bexar County, Texas, to be known as the 146th and 147th District Courts; prescribing the terms and jurisdiction of said District Courts of Bexar County; providing that the Judges of the present District Courts of Bexar County shall continue to hold their offices for the terms for which they were elected and until their successors qualified; providing for the election of the Judge of the 146th and 147th District Courts; prescribing the qualifications, powers and duties; providing for the appointment, designation, compensation, powers, duties of other officers of the District Courts of Bexar County; providing the method of selecting juries; making other provisions re-

lating to the business and functioning of the District Courts of Bexar County; amending Article 52-161 of the Code of Criminal Procedure, 1925, as amended, as the same relates to and provides for Criminal District Courts of Bexar County; amending Article 199 of the Revised Civil Statutes of Texas, 1925, as the same relates to and provides for the District Courts of Bexar County, Texas; providing a repealing clause; providing a severability clause and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

House Bills on First Reading

The following bills received from the House were read first time and referred to the Committee indicated:

H. B. No. 45, To the Committee on Jurisprudence.

H. B. No. 917, To the Committee on Education.

H. B. No. 927, To the Committee on State Affairs.

Motion to Substitute Minority Report on House Bill 187 for Majority Report

Senator Fly moved that the Minority Committee Report on H. B. No. 187 be substituted for the Majority Report and that H. B. No. 187 be printed.

Question—Shall the Minority Report on House Bill 187 be substituted for the Majority Report?

Recess

On motion of Senator Fly the Senate at 12:22 o'clock p.m. took recess until 10:00 o'clock a.m. tomorrow.

In Memory of

Miss Sophia Cico

Senator Phillips offered the following resolution:

(Senate Resolution 434)

Whereas, Our Heavenly Father in His infinite wisdom did on the 21st day of April, 1957, call from her earthly home Miss Sophia Cico, a beloved citizen of Angleton, Texas; and

Whereas, Miss Cico was born in Yugoslavia on October 18, 1906, and came to Angleton with her family when she was five years of age; and

Whereas, Miss Cico had lived many useful years in Angleton and observed in her daily living the highest principles of Christianity and charity; and

Whereas, The influence of her useful and fruitful life will forever be felt by those who were privileged to know her; and

Whereas, Miss Cico is survived by her father, Dan Cico of Angleton; one brother, Leon Cico of Angleton; six sisters, Mrs. Johanna DeGough, Mrs. Shirley Atkinson, and Mrs. Virginia Jamison, all of Angleton, Mrs. Mary Drees of New Gulf, Mrs. Alice Barchak of Victoria, and Mrs. Annie Rose of Algoa; Now, therefore, be it

Resolved, That it is the desire of the Senate of the 55th Legislature to pay tribute to this fine citizen and her family; and, be it further

Resolved, That when the Senate adjourns today, it do so in her memory; and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and, be it further

Resolved, That enrolled copies of this Resolution be forwarded to the surviving members of her family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
R. Neil Campbell

Senator Gonzalez offered the following resolution:

(Senate Resolution 435)

Whereas Almighty God in His infinite wisdom called from this earthly life, R Neil Campbell of San Antonio, Texas; and

Whereas, Mr. Campbell was 77 years of age and a long-time justice of the peace; and

Whereas, Mr. Campbell was a natural as a political leader of his day. He was a Spanish-American war veteran; a member of the Belknap Rifles; and

Whereas, It was in about 1910 that Mr. Campbell made his first political mark. He was organizer in one of the attempts to defeat Mayor Bryan Callaghan and the ticket came within 400 or 500 votes of winning; and

Whereas, In 1912 he was successful in being elected a justice of the peace. In 1924 he was elected tax collector. Under the fee system at the time this was a top job, outstripping other public posts and rivaling in pay the top jobs in private industry; and

Whereas, Mr. Campbell was one of Bexar County's top political leaders in an era of high pressure politics; was past president of the Kiwanis Club, a life member of the Elks Club, and a member of the old Casino Club, a leader of drives for the Salvation Army, YMCA and Boy Scouts, chairman of the Old Trail Drivers. Mr. Campbell had been a director of the Fiesta San Jacinto Association and the old Fair Association and was one of those who helped Nat Washer organize the early Christmas newsboy dinners; and

Whereas, He is survived by his sons, William R. and Robert N. Campbell, both of San Antonio, and six grandchildren; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this fine public spirited citizen who contributed so much to his community and especially to the City of San Antonio; Now, therefore, be it

Resolved, by the Senate of Texas, That we extend our sincere sympathy to the family of R. Neil Campbell; that a copy of this Resolution be sent to each member of his family and that a page in today's Journal be devoted to his memory and that when the Senate adjourns today, it do so in memory of R. Neil Campbell.

The resolution was read and was adopted by a rising vote of the Senate.